

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31  
Sacramento, CA 95814



December 19, 1985

ALL COUNTY LETTER NO. 85-127

TO: All County Welfare Directors  
All Public and Private Adoption Agencies  
All SDSS Adoption District Offices

SUBJECT: Provisions of Chaptered Legislation

The purpose of this letter is to inform you of recently chaptered legislation, which is summarized below, that could have an impact on the Adoptions Program. A copy of each chaptered bill is enclosed.

AB 2312 (Mojonnier) Chapter 559, Statutes of 1985

This legislation added Section 230.8 to the Civil Code to allow the Department/agency to release to each sibling the name and address of his/her biological sibling, provided one or both of the siblings are adoptees. The release of such information is contingent upon the following:

- 1) Both siblings are 21 years of age or older and have filed waivers of their right to confidentiality regarding the disclosure of their names and addresses.
- 2) The adoptee requesting contact has knowledge of the sibling's existence and has filed a written request for contact and his/her current address with the Department or agency.
- 3) The sibling has requested contact and has filed his/her current address with the Department or agency.
- 4) Each sibling has signed an affidavit stating to the best of his/her knowledge he/she is an adoptee or sibling of an adoptee.
- 5) The consent of the natural parent(s) of the adoptee and sibling is obtained if the sibling remained in the custody and control of the parent(s) until age 18.

Additionally, this legislation states that the Department may develop regulations to implement these statutory requirements; shall inform the public of the availability of this service via a form of communication readily accessible to the public; and shall not solicit the execution of waivers from adoptees or their siblings. The Department and agencies may charge a fee not to exceed \$50.00 for the provision of this service.

The Adoptions Branch is currently developing regulations and forms to implement the provisions of this legislation.

SB 422 (Watson) Chapter 588, Statutes of 1985

This legislation amended Civil Code Section 227a to eliminate the home study (physical investigation of the premises where the potential adoptive child is residing) in a stepparent adoption unless ordered by the court. Such studies are conducted by probation or county welfare departments. Additionally, the legislation permits the agency conducting the investigation or any interested person to request the court to order a home study or the court may order such a study on its own motion.

If you have any questions regarding the chaptered legislation, please contact the Adoptions Policy Bureau at (916) 322-4228 or ATSS 492-4228.

  
LOREN D. SUTER  
Deputy Director  
Adult and Family Services Division

Enclosures

cc: CWDA

CHAPTER 559

An act to add Section 230.8 to the Civil Code, relating to adoption.

[Approved by Governor September 13, 1985. Filed with  
Secretary of State September 13, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2312, Mojonnier. Adoption.

Existing law authorizes the State Department of Social Services or any licensed adoption agency to arrange for contact between an adult adoptee and his or her natural parent, upon request, as specified. It also delineates a procedure for the disclosure by the State Department of Social Services or a licensed adoption agency of the identification and address of his or her birth parents to an adoptee who has reached the age of 21, and of the name and address of an adoptee who has reached the age of 21 to his or her birth parent, upon request, and upon consent of the person whose name is to be disclosed, as specified. This latter procedure is applicable only to adoptions occurring on or after January 1, 1984.

This bill would provide that if an adoptee who has attained the age of 21 has submitted his or her address and a written request for contact with any biological sibling whose existence is known to him or her, together with a written waiver of his or her rights with respect to the disclosure of his or her name and address to that sibling, with the State Department of Social Services or the adoption agency that joined in the petition for his or her adoption, as specified, and any such biological sibling who has attained the age of 21 also has made such a request, as specified, the department or the agency shall release to each of them the name and address of the other, as specified. The bill would establish a state-mandated local program as this requirement would be applicable to county adoption agencies. The bill would authorize the department or the agency to charge a reasonable fee, not to exceed \$50, for this service. The bill would require the State Department of Social Services to prescribe a form for these requests and to announce the availability of the procedure, as specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 230.8 is added to the Civil Code, to read:

230.8. (a) Notwithstanding any other provision of law, if an adoptee who has attained the age of 21 has filed his or her current address, a written request for contact with any biological sibling whose existence is known to him or her, and a written waiver of his or her rights with respect to the disclosure of his or her name and address to the sibling, with the State Department of Social Services or the adoption agency that joined in the petition for his or her adoption, and any such biological sibling of that person who has attained the age of 21 also has filed his or her current address, made such a request for contact, and filed a written waiver, if applicable, the department or the agency shall release to each of them the other's name and address. Upon inquiry, and upon proof that a person is the sibling of an adoptee who has filed a waiver pursuant to this section, the department or agency may advise him or her that such a waiver has been filed by the adoptee. The department or an agency may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section.

(b) An adoptee may revoke a waiver executed pursuant to this section by giving written notice to that effect to the department or agency.

(c) The State Department of Social Services shall adopt a form for the request authorized by this section, which shall provide for an affidavit to be executed by persons seeking to employ the procedure authorized by this section that to the best of his or her knowledge he or she is an adoptee or a sibling of an adoptee; the form also shall contain a notice of an adoptee's rights pursuant to subdivision (b) and a statement that information will be disclosed only if there is a currently valid waiver on file with the department or agency. The department may adopt regulations requiring such additional means of identification from a person making a request pursuant to this section as it deems necessary, and for the obtaining of the consent of the natural parents of the adoptee and the sibling in order to make the disclosure authorized by this section in any case in which the sibling remained in the custody and control of the natural parents until he or she attained the age of 18 years.

(d) The State Department of Social Services shall not solicit the execution of a waiver authorized by this section; however, the department shall announce the availability of the procedure authorized by this section, utilizing a means of communication appropriate to effectively inform the public.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act.

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Senate Bill No. 422

CHAPTER 588

An act to amend Section 227a of the Civil Code, relating to adoptions.

[Approved by Governor September 16, 1985. Filed with Secretary of State September 17, 1985.]

LEGISLATIVE COUNSEL'S DIGEST

SB 422, Watson. Adoptions.

Existing law requires the probation officer or the county welfare department to make an investigation of each case of adoption by a stepparent where one natural parent retains custody and control of the child.

This bill would provide that no home study, as defined, of the petitioner's home shall be required in such a case, unless ordered by the court, as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 227a of the Civil Code is amended to read:

227a. Notwithstanding any other provisions of this chapter, the probation officer or, at option of the board of supervisors, the county welfare department in the county in which the action for adoption is pending shall make an investigation of each case of adoption by a stepparent where one natural parent retains custody and control of the child. No order of adoption shall be made by the court until after the probation officer has filed his or her or the welfare department has filed its report and recommendation and it has been considered by the court.

No home study shall be required of the petitioner's home in such a case unless ordered by the court. The agency conducting the investigation or any interested person may request the court to order a home study or the court may order such a study on its own motion.

As used in this section, "home study" means a physical investigation of the premises where the child is residing.

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